

ELECTION LAW MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ modifies the provisions of a notice of election to conform with existing law;
- ▶ modifies a deadline relating to the voter information pamphlet;
- ▶ requires a registered political party to notify the lieutenant governor of the dates of the party's political conventions and changes in those dates;
- ▶ modifies the director of elections' rulemaking authority;
- ▶ modifies the declaration of candidacy for a write-in candidate; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

20A-4-107, as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended by Coordination Clause, Laws of Utah 2014, Chapter 231

20A-5-101, as last amended by Laws of Utah 2017, Chapters 251, 267 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 267

20A-7-702, as last amended by Laws of Utah 2017, Chapters 251, 267, 291 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 267

20A-9-403, as last amended by Laws of Utah 2017, Chapter 91

20A-9-601, as last amended by Laws of Utah 2017, Chapter 63

ENACTS:

20A-8-402.5, Utah Code Annotated 1953

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **20A-4-107** is amended to read:

36 **20A-4-107. Review and disposition of provisional ballot envelopes.**

37 (1) As used in this section, a person is "legally entitled to vote" if:

38 (a) the person:

39 (i) is registered to vote in the state;

40 (ii) votes the ballot for the voting precinct in which the person resides; and

41 (iii) provides valid voter identification to the poll worker;

42 (b) the person:

43 (i) is registered to vote in the state;

44 (ii) (A) provided valid voter identification to the poll worker; or

45 (B) either failed to provide valid voter identification or the documents provided as
46 valid voter identification were inadequate and the poll worker recorded that fact in the official
47 register but the county clerk verifies the person's identity and residence through some other
48 means; and

49 (iii) did not vote in the person's precinct of residence, but the ballot that the person
50 voted was from the person's county of residence and includes one or more candidates or ballot
51 propositions on the ballot voted in the person's precinct of residence; or

52 (c) the person:

53 (i) is registered to vote in the state;

54 (ii) either failed to provide valid voter identification or the documents provided as
55 valid voter identification were inadequate and the poll worker recorded that fact in the official
56 register; and

57 (iii) (A) the county clerk verifies the person's identity and residence through some other
58 means as reliable as photo identification; or

59 (B) the person provides valid voter identification to the county clerk or an election
60 officer who is administering the election by the close of normal office hours on Monday after
61 the date of the election.

62 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
63 the affirmation on the face of each provisional ballot envelope and determine if the person

64 signing the affirmation is:

65 (i) registered to vote in this state; and

66 (ii) legally entitled to vote:

67 (A) the ballot that the person voted; or

68 (B) if the ballot is from the person's county of residence, for at least one ballot

69 proposition or candidate on the ballot that the person voted.

70 (b) If the election officer determines that the person is not registered to vote in this

71 state or is not legally entitled to vote in the county or for any of the ballot propositions or

72 candidates on the ballot that the person voted, the election officer shall retain the ballot

73 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to

74 produce or count it.

75 (c) If the election officer determines that the person is registered to vote in this state

76 and is legally entitled to vote in the county and for at least one of the ballot propositions or

77 candidates on the ballot that the person voted, the election officer shall remove the ballot from

78 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with

79 those ballots at the canvass.

80 (d) The election officer may not count, or allow to be counted a provisional ballot

81 unless the person's identity and residence is established by a preponderance of the evidence.

82 (3) If the election officer determines that the person is registered to vote in this state,

83 the election officer shall ensure that the voter registration records are updated to reflect the

84 information provided on the provisional ballot envelope.

85 (4) If the election officer determines that the person is not registered to vote in this

86 state and the information on the provisional ballot envelope is complete, the election officer

87 shall:

88 (a) consider the provisional ballot envelope a voter registration form for the person's

89 county of residence; and

90 (b) (i) register the person if the voter's county of residence is within the county; or

91 (ii) forward the voter registration form to the election officer of the person's county of

92 residence, which election officer shall register the person.

93 (5) Notwithstanding any provision of this section, the election officer shall remove the

94 ballot from a provisional ballot envelope and place the ballot with the absentee ballots to be

95 counted with those ballots at the canvass, if:

96 (a) ~~[(i)]~~ the election officer determines, in accordance with the provisions of this
97 section, that the sole reason a provisional ballot may not otherwise be counted is because the
98 voter registration was filed less than eight days before the election;

99 ~~[(ii)]~~ (b) eight or more days before the election, the individual who cast the provisional
100 ballot:

101 ~~[(A)]~~ (i) completed and signed the voter registration; and

102 ~~[(B)]~~ (ii) provided the voter registration to another person to file;

103 ~~[(iii)]~~ (c) the late filing was made due to the person described in Subsection

104 (5)~~[(a)(ii)(B)]~~(b)(ii) filing the voter registration less than eight days before the election; and

105 ~~[(iv)]~~ (d) the election officer receives the voter registration no later than one day before
106 the day of the election~~[-or]~~.

107 ~~[(b) the provisional ballot is cast on or before election day in a county or municipality
108 that is approved by the lieutenant governor to participate in the pilot project and the provisional
109 ballot is not otherwise prohibited from being counted under the provisions of this chapter.]~~

110 Section 2. Section **20A-5-101** is amended to read:

111 **20A-5-101. Notice of election.**

112 (1) On or before November 15 in the year before each regular general election year, the
113 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

114 (a) designates the offices to be filled at the next year's regular general election;

115 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
116 certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,
117 and 20A-9-408 for those offices; and

118 ~~[(c) includes the master ballot position list for the next year and the year following as
119 established under Section 20A-6-305; and]~~

120 ~~[(d)]~~ (c) contains a description of any ballot propositions to be decided by the voters
121 that have qualified for the ballot as of that date.

122 (2) (a) No later than seven business days after the day on which the lieutenant governor
123 transmits the written notice described in Subsection (1), each county clerk shall:

124 (i) publish a notice:

125 (A) once in a newspaper published in that county; and

126 (B) as required in Section 45-1-101; or

127 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
128 give notice of the election to the voters in each voting precinct within the county; and

129 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
130 where the notice was posted.

131 (b) The notice required by Subsection (2)(a) shall:

132 (i) designate the offices to be voted on in that election; and

133 (ii) identify the dates for filing a declaration of candidacy for those offices.

134 (3) Before each election, the election officer shall give printed notice of the following
135 information, or printed notice of a website where the following information can be obtained:

136 (a) the date of election;

137 (b) the hours during which the polls will be open;

138 (c) the polling places for each voting precinct, early voting polling place, and election
139 day voting center;

140 (d) the address of the Statewide Electronic Voter Information Website and, if available,
141 the address of the election officer's website, with a statement indicating that the election officer
142 will post on the website any changes to the location of a polling place and the location of any
143 additional polling place;

144 (e) a phone number that a voter may call to obtain information regarding the location of
145 a polling place; and

146 (f) the qualifications for persons to vote in the election.

147 (4) To provide the printed notice described in Subsection (3), the election officer shall:

148 (a) publish the notice at least two days before election day:

149 (i) in a newspaper of general circulation common to the area to which the election
150 pertains; and

151 (ii) as required in Section 45-1-101; or

152 (b) mail the notice to each registered voter who resides in the area to which the election
153 pertains at least five days before election day.

154 Section 3. Section **20A-7-702** is amended to read:

155 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

156 (1) The lieutenant governor shall ensure that all information submitted for publication

157 in the voter information pamphlet is:

158 (a) printed and bound in a single pamphlet;

159 (b) printed in clear readable type, no less than 10 point, except that the text of any
160 measure may be set forth in eight-point type; and

161 (c) printed on a quality and weight of paper that best serves the voters.

162 (2) The voter information pamphlet shall contain the following items in this order:

163 (a) a cover title page;

164 (b) an introduction to the pamphlet by the lieutenant governor;

165 (c) a table of contents;

166 (d) a list of all candidates for constitutional offices;

167 (e) a list of candidates for each legislative district;

168 (f) a 100-word statement of qualifications for each candidate for the office of governor,
169 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
170 candidate to the lieutenant governor's office before 5 p.m. on the ~~[date that falls 105 days]~~ first
171 business day in August before the date of the election;

172 (g) information pertaining to all measures to be submitted to the voters, beginning a
173 new page for each measure and containing, in the following order for each measure:

174 (i) a copy of the number and ballot title of the measure;

175 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
176 the Legislature or by referendum;

177 (iii) the impartial analysis of the measure prepared by the Office of Legislative
178 Research and General Counsel;

179 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
180 measure, the arguments against the measure, and the rebuttal to the arguments against the
181 measure, with the name and title of the authors at the end of each argument or rebuttal;

182 (v) for each constitutional amendment, a complete copy of the text of the constitutional
183 amendment, with all new language underlined, and all deleted language placed within brackets;

184 (vi) for each initiative qualified for the ballot:

185 (A) a copy of the measure as certified by the lieutenant governor and a copy of the
186 fiscal impact estimate prepared according to Section 20A-7-202.5; and

187 (B) if the initiative proposes a tax increase, the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and

(vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) a list of the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) a narrative concerning the judge's performance;

(D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;

(F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;

(G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(i) for each judge, a statement provided by the Utah Supreme Court identifying the

cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(k) voter registration information, including information on how to obtain an absentee ballot;

(l) a list of all county clerks' offices and phone numbers;

(m) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(n) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(o) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall:

(a) (i) distribute one copy of the voter information pamphlet to each household within

250 the state;

251 (ii) distribute to each household within the state a notice:

252 (A) printed on a postage prepaid, preaddressed return form that a person may use to

253 request delivery of a voter information pamphlet by mail;

254 (B) that states the address of the Statewide Electronic Voter Information Website

255 authorized by Section 20A-7-801; and

256 (C) that states the phone number a voter may call to request delivery of a voter

257 information pamphlet by mail; or

258 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of

259 every newspaper of general circulation in the state;

260 (b) ensure that a sufficient number of printed voter information pamphlets are available

261 for distribution as required by this section;

262 (c) provide voter information pamphlets to each county clerk for free distribution upon

263 request and for placement at polling places; and

264 (d) ensure that the distribution of the voter information pamphlets is completed 15 days

265 before the election.

266 (4) The lieutenant governor may distribute a voter information pamphlet at a location

267 frequented by a person who cannot easily access the Statewide Electronic Voter Information

268 Website authorized by Section 20A-7-801.

269 Section 4. Section **20A-8-402.5** is enacted to read:

270 **20A-8-402.5. Notification of political convention dates.**

271 (1) On or before February 15 of each even-numbered year, a registered political party

272 shall notify the lieutenant governor of the dates of each political convention that will be held by

273 the registered political party that year.

274 (2) If, after providing the notice described in Subsection (1), a registered political party

275 changes the date of a political convention, the registered political party shall notify the

276 lieutenant governor of the change within one business day after the day on which the registered

277 political party makes the change.

278 Section 5. Section **20A-9-403** is amended to read:

279 **20A-9-403. Regular primary elections.**

280 (1) (a) Candidates for elective office that are to be filled at the next regular general

election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is designated as regular primary election day. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

(b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

(c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

(d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

(2) (a) Each registered political party, in a statement filed with the lieutenant governor, shall:

(i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.

(b) (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

(ii) An organization that is seeking to become a registered political party under Section

312 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
313 political party files the petition described in Section 20A-8-103.

314 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
315 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
316 office on the regular primary ballot of the registered political party listed on the declaration of
317 candidacy only if the individual is certified by the appropriate filing officer as having submitted
318 a set of nomination petitions that was:

319 (i) circulated and completed in accordance with Section 20A-9-405; and

320 (ii) signed by at least 2% of the registered political party's members who reside in the
321 political division of the office that the individual seeks.

322 (b) (i) A candidate for elective office shall submit nomination petitions to the
323 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
324 in March.

325 (ii) A candidate may supplement the candidate's submissions at any time on or before
326 the filing deadline.

327 (c) (i) The lieutenant governor shall determine for each elective office the total number
328 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
329 number of individuals residing in each elective office's political division who have designated a
330 particular registered political party on the individuals' voter registration forms on or before
331 November 15 of each odd-numbered year.

332 (ii) The lieutenant governor shall publish the determination for each elective office no
333 later than November 30 of each odd-numbered year.

334 (d) The filing officer shall:

335 (i) verify signatures on nomination petitions in a transparent and orderly manner;

336 (ii) for all qualifying candidates for elective office who submit nomination petitions to
337 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the
338 first Monday after the third Saturday in April;

339 (iii) consider active and inactive voters eligible to sign nomination petitions;

340 (iv) consider an individual who signs a nomination petition a member of a registered
341 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
342 registered political party as the individual's party membership on the individual's voter

registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, ~~shall~~ may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a

registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, ____ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

Attest: county clerk."

(5) (a) A candidate, other than a presidential candidate, who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

(i) nominated for that office by the candidate's registered political party; or

(ii) for a nonpartisan local school board position, nominated for that office.

(b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.

(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

(8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Section 6. Section **20A-9-601** is amended to read:

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer not later than 60 days before the regular general election or a municipal general election in which the person intends to be a write-in candidate.

(b) (i) The form of the declaration of candidacy for all offices, except president or vice president of the United States, is substantially as follows:

"State of Utah, County of ____

I, _____, declare my intention of becoming a candidate for the office of _____ for the _____ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result

in my disqualification as a candidate for this office and ~~[removal of my name from the ballot]~~
rejection of any votes cast for me. The mailing address that I designate for receiving official
election notices is _____.

Subscribed and sworn before me this _____(month\day\year).

Notary Public (or other officer qualified to administer oath)."

(ii) The form of the declaration of candidacy for president of the United States is
substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of the
president of the United States. I do solemnly swear that: I will meet the qualifications to hold
the office, both legally and constitutionally, if selected; I reside at _____ in the City
or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
any law governing campaigns and elections. The mailing address that I designate for receiving
official election notices is _____. I designate _____ as
my vice presidential candidate.

Subscribed and sworn before me this _____(month\day\year).

Notary Public (or other officer qualified to administer oath)."

(iii) A declaration of candidacy for a write-in candidate for vice president of the United
States shall be in substantially the same form as a declaration of candidacy described in
Subsection 20A-9-202(8).

(iv) An agent designated to file a declaration of candidacy under Subsection (2) may
not sign the form described in Subsection (1)(b)(i) or (ii).

(c) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office;

and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not
accept the write-in candidate's declaration of candidacy.

(2) Notwithstanding the requirement in Subsection (1) to file a declaration of

467 candidacy in person, a person may designate an agent to file the declaration of candidacy in
468 person with the filing officer if:

469 (a) the person is located outside the state during the filing period because:

470 (i) of employment with the state or the United States; or

471 (ii) the person is a member of:

472 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
473 Coast Guard of the United States who is on active duty;

474 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
475 commissioned corps of the National Oceanic and Atmospheric Administration of the United
476 States; or

477 (C) the National Guard on activated status; and

478 (b) the person communicates with the filing officer using an electronic device that
479 allows the person and filing officer to see and hear each other.

480 (3) By November 1 of each regular general election year, the lieutenant governor shall
481 certify to each county clerk the names of all write-in candidates who filed their declaration of
482 candidacy with the lieutenant governor.